

Appl. No. 10/776,853
Atty. Docket No. 9525
Amdt. dated October 26, 2006
Reply to Office Action of June 26, 2006
Customer No. 27752

RECEIVED
CENTRAL FAX CENTER

OCT 26 2006

REMARKS

Amendments to the Claims

Claims 1-2 are pending in the present application. No additional claims fee is believed to be due.

Claim 1 has been amended as shown above. Support for this amendment can be found in the specification at page 4, lines 27-32, and at page 5, lines 29-34.

Claim 2 has been amended as shown above. Support for this amendment can be found in the specification at page 4, lines 27-32, at page 5, lines 29-34, and at page 6, lines 22-29.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejections Under 35 U.S.C. § 103(a) Over U.S. Patent No. 6,367,710 to Fan in view of U.S. Patent No. 6,270,023 to Farley.

Claims 1-2 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,367,710 to Fan ("Fan") in view of U.S. Patent No. 6,270,023 to Farley ("Farley"). With respect to claims 1 and 2, the Examiner asserts that Fan discloses a sprayer comprising the some of the elements of Applicants' claimed sprayer. The Examiner acknowledges that Fan does not disclose a sprayer with setting that is to turn the sprayer off, and, further, that Fan does not disclose a purifier cartridge in fluid communication with the valve system. However, the Examiner additionally asserts that Farley discloses a purifier connected to a spray head. The Examiner concludes that it would have been obvious to one of ordinary skill in the art to add the purifier in the manner taught by Farley to the sprayer of Fan in order to purify the water stream, and, thus, to achieve a purifier in fluid communication with a valve system.

Applicants respectfully traverse the present rejection based on the following comments. The Examiner has failed to establish a *prima facie* case of obviousness because the combination of Fan and Farley does not teach or suggest all of the limitations of each of Applicants' currently amended claim 1 and currently amended claim 2.

Appl. No. 10/776,853
Atty. Docket No. 9525
Amdt. dated October 26, 2006
Reply to Office Action of June 26, 2006
Customer No. 27752

Applicants' claim 1 is directed to a sprayer comprising, *inter alia*, a housing, a purifier cartridge, a valve system, and a selector switch. As currently amended, the valve system of the claimed sprayer comprises at least two inflow conduits. At least one of the inflow conduits, when selectively aligned to be in fluid communication with the opening of the inner valve component, directs water passing through the valve system into the purifier cartridge. Additionally, at least one other of the inflow conduits, when selectively aligned to be in fluid communication with the opening of the inner valve component, directs water passing through the valve system to by-pass the purifier cartridge. Such a configuration of the valve system allows a user to switch between spraying different outlet streams, including at least an outlet stream of purified water and an outlet stream of tap water.

Applicants' claim 2 is directed to a sprayer comprising, *inter alia*, a housing, a purifier cartridge, a valve system, and a selector switch capable of being moved by an operator's thumb when the operator is gripping the sprayer in his hand. Similar to claim 1 above, the valve system of claim 2 as currently amended is configured to provide two or more spray functions. At least one of the two or more spray functions is a purified rinse function resulting from water being passed through said valve system and directed into the purifier cartridge. Additionally, at least one other of the two or more spray functions is a tap water function resulting from water being passed through the valve system and by-passing the purifier cartridge.

In contrast, a sprayer achieved by a combination of the teachings of Fan and Farley would not allow a user to switch between an outlet stream of purified water and an outlet stream of tap water. The shower head of Fan comprises a controlling device which allows a user to select between different types of shower jet flows which are based on differences in the several apertures of the nozzle cover. See Fan at column 3, lines 19-23. There is no teaching or suggestion in Fan for directing the water flow through the valve of the shower head of Fan to other than the different openings (401, 402, 403) of the water separating plate (40) and the corresponding apertures of the nozzle cover (43).

With respect to the teachings of Farley, a combination hand held shower head and filter assembly are disclosed. As is apparent from Figure 1 of Farley, the filter assembly is located upstream along the water flow path from the shower head. There is no teaching

Appl. No. 10/776,853
Atty. Docket No. 9525
Amdt. dated October 26, 2006
Reply to Office Action of June 26, 2006
Customer No. 27752

or suggestion in Farley for providing the filter assembly downstream from the shower head.

Consequently, modifying the shower head of Fan by incorporating a filter assembly as taught by Farley, as proposed by the Examiner, would result in a shower head of Fan with a filter assembly upstream from the shower head of Fan, in which the valve for controlling the water flow is contained. Such a modified shower head would dispense only filtered water. As taught in Fan, a user could select between different types of shower jet flows; but, a user could not select between filtered water and tap water.

The combined teachings of Fan and Farley would not lead one of ordinary skill in the art to modify the shower head of Fan by adding a filter assembly downstream from the shower head and valve of Fan such that a user could employ the valve of Fan to direct water either through the filter assembly or such that it by-passes the filter assembly. The valve of Fan is disclosed only for the purpose of controlling water flow to achieve different types of shower jet flows. Thus, to make a modification of the combined teachings of Fan and Farley to achieve a sprayer as currently claimed by Applicants would only be a result of impermissible hindsight based on the teachings of Applicants in the present application.

As a result, Applicants' currently amended claims 1 and 2 are novel and unobvious over the combination of Fan and Farley.

Rejections Under 35 U.S.C. § 103(a) Over U.S. Patent No. 4,903,897 to Hayes in view of U.S. Patent No. 6,270,023 to Farley.

Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,903,897 to Hayes ("Hayes") in view of U.S. Patent No. 6,270,023 to Farley ("Farley"). The Examiner asserts that Hayes discloses a housing comprising a handle, a valve system, and a selector switch. The Examiner acknowledges that Hayes does not disclose a purifier cartridge in fluid communication with the valve system. However, the Examiner additionally asserts that Farley discloses a purifier connected to a spray head. The Examiner concludes that it would have been obvious to one of ordinary skill in the art to add the purifier in the manner taught by Farley to the housing of Hayes in order to purify the water stream, and, thus, to achieve a purifier in fluid communication with a valve system.

App. No. 10/110,000

Atty. Docket No. 9525

Amdt. dated October 26, 2006

Reply to Office Action of June 26, 2006

Customer No. 27752

Applicants respectfully traverse the present rejection based on the following comments. The Examiner has failed to establish a *prima facie* case of obviousness because the combination of Hayes and Farley does not teach or suggest all of the limitations of each of Applicants' currently amended claim 2.

As discussed above, Applicants' claim 2 is directed to a sprayer comprising, *inter alia*, a housing, a purifier cartridge, a valve system, and a selector switch capable of being moved by an operator's thumb when the operator is gripping the sprayer in his hand. The valve system of claim 2 as currently amended is configured to provide two or more spray functions. At least one of the two or more spray functions is a purified rinse function resulting from water being passed through said valve system and directed into the purifier cartridge. Additionally, at least one other of the two or more spray functions is a tap water function resulting from water being passed through the valve system and bypassing the purifier cartridge.

In contrast, and analogous to the argument presented against the rejection above, a sprayer achieved by a combination of the teachings of Hayes and Farley would not allow a user to switch between an outlet stream of purified water and an outlet stream of tap water through the use of a thumb controlled switch. Although the hose nozzle of Hayes contains a ball valve with a thumb-engaging actuating member, the ball valve is for varying the flow rate of the water through the valve seat. *See* Hayes at column 4, lines 33-56. Separately, the hose nozzle of Hayes contains a manually actuatable flow directing assembly which allows a user to select between various water jet flow types. *See* Hayes at column 5, lines 41-66. Importantly, the flow directing assembly of Hayes is not actuated by the same thumb-engaging actuating member which controls the ball valve. Instead, the flow directing assembly must be rotated by a user using a hand other than the one holding the hose nozzle. There is no teaching or suggestion in Hayes for employing a thumb controlled switch to direct the water to provide two or more spray functions other than for use in with the simple ball valve which only allows the water flow rate to be varied.

With respect to the teachings of Farley, as discussed above, a combination hand held shower head and filter assembly are disclosed. As is apparent from Figure 1 of Farley, the filter assembly is located upstream along the water flow path from the shower

Appl. No. 10/776,853
Atty. Docket No. 9525
Amdt. dated October 26, 2006
Reply to Office Action of June 26, 2006
Customer No. 27752

head. There is no teaching or suggestion in Farley for providing the filter assembly downstream from the shower head.

Consequently, modifying the hose nozzle of Hayes by incorporating a filter assembly as taught by Farley, as proposed by the Examiner, would result in a hose nozzle with a filter assembly upstream from the ball valve and the manually actuatable flow directing assembly of Hayes. Such a modified hose nozzle would dispense only filtered water. As taught in Hayes, a user could control the water flow rate and select between different types of shower jet flows; but, a user could not select between filtered water and tap water.

The combined teachings of Hayes and Farley would not lead one of ordinary skill in the art to modify the hose nozzle of Hayes by adding a filter assembly downstream from the ball valve and the manually actuatable flow directing assembly of Hayes such that a user could employ the valve and/or the manually actuatable flow directing assembly to direct water either through the filter assembly or such that it by-passes the filter assembly. The thumb-controlled ball valve of Hayes is disclosed only for the purpose of controlling water flow rate, and the manually actuatable flow directing assembly is disclosed only for the purpose of achieving different types of shower jet flows. Thus, to make a modification of the combined teachings of Hayes and Farley to achieve a sprayer as currently claimed by Applicants would only be a result of impermissible hindsight based on the teachings of Applicants in the present application.

As a result, Applicants' currently amended claim 2 is novel and unobvious over the combination of Hayes and Farley.

CONCLUSION

In light of the amendments and remarks presented herein, it is requested that the Examiner reconsider and withdraw the present rejections. Early and favorable action in the case is respectfully requested.

Applicant has made an earnest effort to place their application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, Applicant respectfully requests reconsideration of this application and allowance of Claims 1-2.

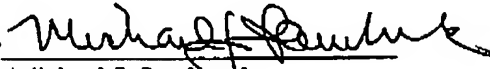
OCT-26-2006 18:02

F&HC PATENT DIVISION

5136278118 P.10/11

Appl. No. 10/776,853
Atty. Docket No. 9525
Amdt. dated October 26, 2006
Reply to Office Action of June 26, 2006
Customer No. 27752

Respectfully submitted,
The Procter & Gamble Company

By 
Michael J. Sambrock
Attorney for Applicant(s)
Registration No. 56,746
(513) 627-8150

October 26, 2006
Customer No. 27752